



Senate

General Assembly

File No. 546

February Session, 2018

Substitute Senate Bill No. 14

Senate, April 17, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING SPECIAL PAROLE FOR HIGH-RISK,
VIOLENT AND SEXUAL OFFENDERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 53a-28 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (b) Except as provided in section 53a-46a, when a person is
5 convicted of an offense, the court shall impose one of the following
6 sentences: (1) A term of imprisonment; or (2) a sentence authorized by
7 section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and
8 a fine; or (5) a term of imprisonment, with the execution of such
9 sentence of imprisonment suspended, entirely or after a period set by
10 the court, and a period of probation or a period of conditional
11 discharge; or (6) a term of imprisonment, with the execution of such
12 sentence of imprisonment suspended, entirely or after a period set by
13 the court, and a fine and a period of probation or a period of

14 conditional discharge; or (7) a fine and a sentence authorized by
15 section 18-65a or 18-73; or (8) a sentence of unconditional discharge; or
16 (9) a term of imprisonment and a period of special parole as provided
17 in section 54-125e, as amended by this act, except that the court may
18 not impose a period of special parole for convictions of offenses under
19 chapter 420b.

20 Sec. 2. Subsection (b) of section 54-125e of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2018*):

23 (b) (1) When sentencing a person, the court may not impose a period
24 of special parole unless the court determines, based on the nature and
25 circumstances of the offense, the defendant's prior criminal record and
26 the defendant's history of performance on probation or parole, that a
27 period of special parole is necessary to ensure public safety.

28 (2) If sentencing a person to a period of special parole, the court may
29 recommend that such person comply with any or all of the
30 requirements of subsection (a) of section 53a-30. The court shall cause a
31 copy of any such recommendation to be delivered to such person and
32 to the Department of Correction. The Board of Pardons and Paroles
33 may require that such person comply with the requirements of
34 subsection (a) of section 53a-30 which the court recommended. Any
35 person sentenced to a period of special parole shall also be subject to
36 such rules and conditions as may be established by the Board of
37 Pardons and Paroles or its chairperson pursuant to section 54-126.

38 Sec. 3. Section 54-129 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective October 1, 2018*):

40 If it appears to the appropriate panel of the Board of Pardons and
41 Paroles that any convict or inmate on parole or eligible for parole or on
42 special parole will lead an orderly life, [said] the panel, by a
43 unanimous vote of all the members present at any regular meeting
44 [thereof] of the panel, may declare such convict or inmate discharged
45 from the custody of the Commissioner of Correction and shall

46 thereupon deliver to him or her a written certificate to that effect under
47 the seal of the Board of Pardons and Paroles and signed by [its
48 chairman] the chairperson of the board and the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	53a-28(b)
Sec. 2	<i>October 1, 2018</i>	54-125e(b)
Sec. 3	<i>October 1, 2018</i>	54-129

Statement of Legislative Commissioners:

In Section 3, technical changes were made to make the language more precise.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.	GF - Potential Savings	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill removes special parole for certain convictions, prohibits the court from issuing special parole unless necessary for public safety, and allows the Board of Pardons and Parole to discharge a person on special parole and results in potential savings to the state to the extent that an offenders special parole time is reduced. There are currently 2,182 people on special parole and 460 inmates who have special parole as part of their sentence that this bill could potentially impact.

The average cost to the state per community based offender is \$12,500 in FY 17. However, savings are expected to be minimal because fixed costs (e.g. officer salaries, contracted beds, office and vehicle rent) won't be affected by a small reduction in the number of people on special parole.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to reduced special parole time for offenders.

OLR Bill Analysis**sSB 14*****AN ACT CONCERNING SPECIAL PAROLE FOR HIGH-RISK, VIOLENT AND SEXUAL OFFENDERS.*****SUMMARY**

This bill makes changes to sentencing laws as they pertain to special parole.

Specifically, the bill:

1. eliminates special parole as a sentencing option for convictions of offenses related to dependency-producing drugs;
2. prohibits the court from imposing a period of special parole unless it determines that special parole is necessary to ensure public safety; and
3. allows the Board of Pardons and Paroles to discharge, from Department of Correction (DOC) custody, a person on special parole who the board believes will lead an orderly life.

“Special parole” is parole ordered by the court as part of the sentence when someone is convicted of a crime. The judge can require a period of special parole under parole supervision after an offender completes his or her maximum prison sentence. Generally, the special parole period must be between one and 10 years. However, the court can impose a period of more than 10 years on certain sexual assault or persistent offenders (CGS § 54-125e).

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2018

SPECIAL PAROLE AS A SENTENCING OPTION

Under current law, when a person is convicted of an offense, the court must impose one of several sentences (see below), including a term of imprisonment and a period of special parole. The bill prohibits the court from imposing special parole as a possible sentence when the crime involves addictive drugs.

The bill also prohibits the court from imposing a period of special parole unless it determines that special parole is necessary to ensure public safety. Under the bill the court's determination must be based on the (1) nature and circumstances of the offense and (2) defendant's criminal record and probation and parole history.

DISCHARGE FROM DOC CUSTODY

Under existing law, if a Board of Pardons and Paroles panel believes that a convict or inmate on parole or eligible for parole will lead an orderly life, the panel may declare him or her discharged from the custody of the DOC commissioner. The bill allows the panel to do the same for a convict or inmate pertaining to special parole.

As under existing law, the bill requires the panel to (1) do so by a unanimous vote of all the members present at the panel's regular meeting and (2) deliver a written certificate of its decision under the seal of the Board of Pardons and Paroles and signed by its chairman and the commissioner.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 1 (04/02/2018)